



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INTERNATIONAL AND TRIBAL AFFAIRS
1200 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20460

REPLY TO THE ATTENTION OF: 2610R

July 22, 2011

Re: Notification of Consultation and Coordination on a Proposed "Guidebook for Building Tribal Environmental Capacity"

Dear Honorable Leader:

The U.S. Environmental Protection Agency (EPA) is preparing to initiate consultation and coordination with federally-recognized tribes on a proposed, "Guidebook for Building Tribal Environmental Capacity" (Guidebook). The proposed Guidebook will impact EPA's management of Indian General Assistance Program (GAP) grant resources. This memo provides background information on this important initiative, presents our schedule for producing the Guidebook, and provides points-of-contact for you and your representatives to contact with questions and comments. EPA's timeline for the consultation and coordination period is Monday August 1 – Friday September 30, 2011.

This consultation and coordination process will be conducted in accordance with the *EPA Policy on Consultation and Coordination with Indian Tribes* (www.epa.gov/tribal/consultation/consult-policy.htm).

Background

In February 2008, EPA's Office of Inspector General (OIG) released an Audit Report entitled, "Framework for Developing Tribal Capacity Needed in the Indian General Assistance Program" (<http://www.epa.gov/oig/reports/2008/20080219-08-P-0083.pdf>). In their report, the OIG concluded that the Agency had "not provided a framework for tribes to follow or adapt as they develop their capacity to implement environmental programs." Furthermore, the OIG observed that "it is not clear whether GAP funding will result in tribes being able to operate their own environmental programs."

To address this finding, the OIG recommended that EPA:

- Develop a framework for achieving tribal capacity;
- Require regions to negotiate environmental plans with tribes that would be linked to GAP work plans and measure progress; and
- Revise the distribution of GAP funding to emphasize prior progress, environmental capacity needs, and long-term goals.

Content of the Guidebook

The proposed Guidebook will establish an overall framework for tribes and EPA to follow in building tribal environmental capacity. It describes program development pathways for a core environmental protection program and for media-specific programs. While the proposed Guidebook will not replace or replicate media-specific tribal grant programs, it will better define core and media-specific program capacities funded by GAP grants that support tribal participation in other Agency grant programs and that lead to tribal program implementation consistent with EPA authorities.

In addition to establishing an overall framework for building tribal capacity, the proposed Guidebook will identify measurable indicators to help us track our progress in building tribal capacity over time. These indicators are linked to core programs and to media-specific sections of the Guidebook and respond to the OIG Audit Report recommendations.

Tribal Consultation Process & Timeline

EPA is seeking input from tribal governments on the “Guidebook for Building Tribal Environmental Capacity” format and content, as well as additional actions that we can take to respond to the OIG Audit Report. Once consultation on the Guidebook is completed and tribal input has been fully considered, we will continue to engage with tribal governments on implementing the Guidebook during Fiscal Year 2012. Implementing the Guidebook will include modifying the GAP grant program guidance to reflect the capacity building framework outlined in the Guidebook. It will also include our response to the OIG’s final recommendation on revising the distribution of GAP funding to emphasize a tribe’s capacity building progress, environmental capacity needs, and long-term goals documented in negotiated EPA-tribal plans.

All consultation information, including a copy of the proposed Guidebook, will be available after August 1, 2011 on EPA’s tribal portal website:
<http://epa.gov/tribalportal/consultation>

Please note the following key dates associated with this consultation and coordination plan:

Consultation & Coordination Activity	Date
CONSULTATION PROCESS BEGINS - Notice of Document Availability http://epa.gov/tribalportal/consultation	August 1, 2011
1 st National Tribal Consultation Conference Call & Webinar (info below)	August 16, 2011
2 nd National Tribal Consultation Conference Call & Webinar (info below)	August 30, 2011
Consultation Process Ends - Tribal Comments Due	September 30, 2011
Final Guidebook web posting	November 30, 2011

We invite you and your designated consultation representative(s) to participate in one or both of the GAP Grant Program Guidebook National Tribal Consultation Conference Calls, to submit questions and comments online via EPA’s Tribal Portal (<http://www.epa.gov/tribal/consultation>), or to contact our official agency point of contact for the GAP Guidebook effort (contact information below).

National Tribal Consultation Conference Call & Webinar Events

EPA will host two National Tribal Consultation Conference Call & Webinar events, one on Tuesday August 16, 2011 and one on Tuesday August 30, 2011. Both will be held from 3:00 PM - 4:30 PM Eastern Daylight Time (EDT) and will use the following numbers:

Conference call line: 866.299.3188
Conference call code: 202.564.4013#

Webinar Registration:

Tue, Aug 16, 2011 3:00 PM - 4:30 PM EDT
<https://www1.gotomeeting.com/register/762615136>

Tue, Aug 30, 2011 3:00 PM - 4:30 PM EDT
<https://www1.gotomeeting.com/register/132201816>

Official Agency Point of Contact

Please do not hesitate to contact your regional tribal program office or the following Agency representative with any questions or comments about this action, or if you would like to request alternate arrangements to the process outlined above.

Luke Jones, Senior Policy Advisor
American Indian Environmental Office (MC 2690-M)
US Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Phone: 202.564.4013
Email: jones.luke@epa.gov

I look forward to hearing from you on this important matter.

Sincerely,



Michelle DePass
Assistant Administrator

cc: Tribal Environmental Directors
Regional Indian Program Coordinators